

SECOND REGULAR SESSION

SENATE BILL NO. 847

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS EMERY AND RICHARD.

Pre-filed January 5, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5594S.011

AN ACT

To repeal section 490.715, RSMo, and to enact in lieu thereof one new section relating to evidence for the cost of medical care and treatment.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 490.715, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 490.715, to read as follows:

490.715. 1. No evidence of collateral sources, **or payments rendered**
2 **under subsection 2 of this section**, shall be admissible other than such
3 evidence provided for in this section.

4 2. If prior to trial a defendant or his or her insurer or authorized
5 representative, or any combination of them, pays all or any part of a plaintiff's
6 special damages, [the defendant may introduce evidence that some other person
7 other than the plaintiff has paid those amounts. The evidence shall not identify
8 any person having made such payments] **a plaintiff's claims for special**
9 **damages that are satisfied by a payment from a defendant or the**
10 **defendant's insurer are not recoverable from that defendant.**

11 3. If [a defendant introduces evidence] **such payments** described in
12 subsection 2 of this section[, such introduction shall constitute a waiver of any
13 right to a credit against a judgment pursuant to] **are included in a plaintiff's**
14 **claim for special damages at trial, the defendant shall be entitled to**
15 **deduct and receive a credit for such payments from any judgment as**
16 **provided for in section 490.710.**

17 4. This section does not require the exclusion of evidence admissible for
18 another proper purpose.

19 5. (1) **Except as provided in subsection 2 of this section**, parties

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 may introduce evidence of the [value] **actual cost** of the medical **care or**
21 treatment [rendered to a party that was] **to a plaintiff. Actual cost of the**
22 **medical care or treatment shall be** reasonable, necessary, and a proximate
23 result of the negligence **or fault** of any party.

24 (2) [In determining the value of the] **For purposes of this subsection,**
25 **the phrase "actual cost of the medical care or** treatment [rendered, there
26 shall be a rebuttable presumption that the dollar amount necessary to satisfy the
27 financial obligation to the] **" shall be defined as a sum of money not to**
28 **exceed the dollar amounts paid or owed by a plaintiff for medical care**
29 **or treatment by a** health care provider [represents the value of the medical
30 treatment rendered. Upon motion of any party, the court may determine, outside
31 the hearing of the jury, the value of the medical treatment rendered based upon
32 additional evidence, including but not limited to:

33 (a) The medical bills incurred by a party;
34 (b) The amount actually paid for medical treatment rendered to a party;
35 (c) The amount or estimate of the amount of medical bills not paid which
36 such party is obligated to pay to any entity in the event of a
37 recovery. Notwithstanding the foregoing, no evidence of collateral sources shall
38 be made known to the jury in presenting the evidence of the value of the medical
39 treatment rendered] **after adjustment for any contractual discounts, price**
40 **reduction, or write-off by any person or entity.**

41 (3) **Evidence of necessary future medical care or treatment to be**
42 **rendered shall be limited to the amount necessary to satisfy the actual**
43 **cost of the medical care or treatment.**

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